

MINUTES
South Carolina Board of Cosmetology
Board Meeting
10:00 A.M., Monday, September 11, 2006
Greenville Technical College
Ruth A. Nicholson Nursing Sciences Building
506 South Pleasantburg Drive
Greenville, South Carolina

Rosanne Kinley, Chairman, of Anderson, called the regular meeting of the SC Board of Cosmetology to order at 10:20 am. Other board members present included: Michelle Hampton-Furtick, of Columbia; Delores Gilmer, of Charleston; Kristy McMillan, of Summerville; Ruth Settles, of Greenville; and Katherine Webb, of Easley.

Melanie Thompson, of Myrtle Beach, was granted an excused absence.

Staff members participating in the meeting included: George Barr, Inspector; Ronnie Blackmon, Inspector; Randy Bryant, Assistant Deputy Director; Sharon Dantzler, Deputy General Counsel; Sandra Dickert, Administrative Assistant; Larry Hall, Inspector; Eddie Jones, Administrator; Mark Sanders, Inspector; and Shirley Wider; Program Assistant.

Members of the public attending the meeting included: Pat Adams, Patsy Andrews, Jolie Antley, Linda Brown, Kim Burgess, Stephen Burnette, Michelle Craven, Tim Hamilton, Mike Kelly, Ken Lochridge, Eric McGee, Kimberly McIntyre, Angela Morrison, Ruth Ott, Chesley Phillips, Carolyn Porter, Vaughn Reese, Mary Rock, Linda Simpson, Kim Smith, Betty Staggs, Brenda Steen, Carol Toney, and Johntell White.

Meeting Called to Order

Ms. Kinley announced that public notice of this meeting was properly posted at the S. C. Board of Cosmetology office, Synergy Business Park, Kingstree Building, Greenville Technical College, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Mr. Jones sang "God Bless America."

Invocation

Everyone paused for a moment of silence to remember the September 11, 2001 victims.

Rules of the Meeting Read by the Chairman

Ms. Kinley read the rules of the meeting.

Introduction of Board Members and All Other Persons Attending

The Board, staff and members of the public attending the meeting introduced themselves.

Approval of the July 10, 2006 Meeting Minutes

Mrs. Kinley asked Mrs. Hampton-Furtick if she stated the Board moved too fast on esthetics items or on all matters. Mrs. Hampton-Furtick stated the language came from a written presentation she asked Mrs. Dickert to insert in the minutes.

MOTION

Mrs. Gilmer moved the Board approve the minutes of the July 10, 2006 meeting. Mrs. Settles seconded the motion, which carried unanimously.

Approval of Agenda

MOTION

Mrs. Webb made a motion, seconded by Mrs. Gilmer and unanimously carried; the Board approve the agenda with any deviations deemed necessary.

Chairman's Remarks – Rosanne Kinley

Ms. Kinley welcomed everyone from the upstate to the meeting.

Ms. Kinley stated on July 14, 2006 she conducted a final inspection on the Career and Technology Center in Williamston with Mr. Barr and Mr. Sanders. She noted the inspection was conducted for the school's nail technician and esthetics programs. She said everything was in order with the exception of a couple of items. She returned to the school on August 1, 2006 and found everything in place. On July 17, 2006 she monitored the practical exam during which the examiners were extremely professional and pleasant. On July 31, 2006 she attended a continuing education class in Greenville that was sponsored by the South Carolina Esthetics Association. On August 8, 2006 she conducted two new school inspections with Mr. Sanders and Mr. Barr. She stated they found the Institute of Cosmetic Arts was not ready for the final inspection so they conducted a final inspection at Greenville Tech and then returned to the Institute of Cosmetic Arts for a final inspection. On August 24-28, 2006 she attended the NIC annual conference with Mr. Jones and four Board members. She said the next NIC meeting will be held August 24 – 28, 2007 in Rapid City, South Dakota and the 2008 national conference would be held in Jackson Hole, Wyoming during October of that year.

Administrator's Remarks, For Information – Eddie Jones

Advisory Opinions, If Needed, Office of General Counsel

Legislative Update, If Needed, Legislative Liaison Office

There were no advisory opinions or legislative update given during this meeting.

Mr. Jones congratulated Ms. Kinley for being elected president of NIC for the second straight year. He attended the Administrator's conference held just before the NIC conference. He also attended the Palmetto Professional Instructor's seminar on August 20, 2006.

Number of Inspections

Mr. Blackmon briefed the Board on the inspections held since the last meeting. He noted 524 inspections were held in July 2006 and 586 inspections were conducted in August 2006. He went on to say in July 2006 the inspectors conducted two new school openings and two preliminary inspections and in August 2006 the inspectors conducted two new school openings, one preliminary inspection, one complaint inspection and two routine inspections.

Number of Open Complaint Cases

Mr. Blackmon stated the Office of Investigations currently has 14 open cases pending investigation.

Unfinished Business

There was no unfinished business to be discussed.

New Business

Approval of DRC Reports

The Board briefly discussed the DRC Reports of August 7, 2006 and August 28, 2006.

MOTION

Mrs. Settles moved the Board accept the decision regarding CO/CT 62-4157 with the rest of the DRC Report dated August 7, 2006. Mrs. Gilmer seconded the motion, which carried unanimously.

MOTION

Mrs. Hampton-Furtick made a motion, seconded by Mrs. Webb and unanimously carried, the Board approve the August 28, 2006 DRC Report with the exception of case CO/CT 62-4191, which the civil penalty should to be returned to the proposed \$2,700.

Approval of IRC Report

MOTION

Mrs. Gilmer moved the Board approve the September 11, 2006 IRC Report as listed below. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Dismissals

2004-10	2006-16	2005-47	2006-8	2006-32	2005-28
2006-21	2006-25	2005-38	2006-20		

Formal Complaints

2006-33	2005-6	2005-33
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Approval of Consent Orders

Mr. Bryant briefed the Board on two proposed consent orders.

MOTION

Mrs. Webb made a motion the Board approve the consent orders in regard to Mamie P. Ward and Peggy Sue Bayne. The motion was seconded by Mrs. Gilmer and carried with a majority vote. Mrs. Settles abstained from voting on this matter.

Introduction of USC's Noncredit Programs Manager (Eric McGee) – Michael Kelly

Mr. Mike Kelly introduced Mr. Eric McGee, USC's Noncredit Programs Coordinator. He further stated Mr. McGee would be working the cosmetology continuing education program. Mr. McGee stated he looks forward to working with the Board.

Approval of License Applications

a. Johntell E. White

On May 2, 2006 Johntell White submitted an application to take the nail technician theory and practical examinations. PCS, the testing agency, informed staff that Ms. White answered yes to the question asking, "Have you been found guilty or entered a plea of nolo contendere for any

crime in this or any other state?" Staff then notified Ms. White that she must appear before the Board to show cause why she should be licensed.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

MOTION

Mrs. Webb moved the Board table this matter to executive session. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

b. Michelle Craven

On August 18, 2006 PCS received an application from Michelle Craven to sit for the nail technician theory and practical exams. PCS informed staff that Mrs. Craven answered yes to the question asking, "Have you been found guilty or entered a plea of nolo contendere for any crime in this or any other state?" Staff informed Ms. Craven she must appear before the Board to show cause as to why she should be licensed.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

MOTION

Mrs. Hampton-Furtick made a motion, seconded by Mrs. Webb and unanimously carried; the Board discuss this matter in executive session.

c. Stephen Burnette

Stephen Burnette submitted an application to PCS dated May 31, 2006 to sit for the cosmetology theory and practical exams. PCS notified staff that Mr. Burnette answered yes to the question asking, "Have you been found guilty or entered a plea of nolo contendere for any crime in this or any other state?" Staff informed Mr. Burnette he must appear before the Board to show cause as to why he should be licensed.

The proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

MOTION

Mrs. Webb moved the Board table this matter to executive session. Mrs. Gilmer seconded the motion, which carried unanimously.

Recess

The Board recessed at 11:20 a.m. and returned to public session at 11:45 a.m.

Public Session

Approval of Waiver from Written Exam for Nail Technician Certification

a. Olga Prince

On August 11, 2006 the Board received a letter from Mr. Jimmy Prince seeking the Board's approval for a waiver of the written exam for his wife, Olga Prince. Mr. Prince's letter states Mrs. Prince was a certified nail technician in Russia and is currently attending 'English as a Second Language' courses. He included supporting documentation for the Board's review.

Mrs. Prince did not appear at this meeting.

MOTION

Mrs. Hampton-Furtick moved to deny the waiver until such time as she appears before the Board. Mrs. Gilmer seconded the motion, which carried unanimously.

Approval of Methods of Teaching Instructor

a. Venning Morrison

In a letter dated July 13, 2006 Venning Morrison states he is seeking the Board's approval as a Methods instructor at the Aiken School of Cosmetology. He holds a Master of Arts Degree in teaching from USC and is currently employed as a teacher in Aiken County. He included his resume with his letter.

MOTION

Mrs. Settles made a motion, seconded by Mrs. Webb and unanimously carried, the Board accept Mr. Morrison as a Methods of Teaching instructor.

Approval of Esthetics Instructor Program – Miller Motte Technical College

In a letter to the Board dated August 24, 2006 James Weaver of Miller Motte Technical College stated the college is submitting a proposal to implement an esthetics instructor program. He included a course description, contact hours, a curriculum hours breakdown, class hours, instructors and course syllabi.

Joi Antley appeared on behalf of Miller Motte Technical College.

MOTION

Mrs. Gilmer made a motion, seconded by Mrs. Webb and unanimously carried, that the Board approve the esthetics instructor program at Miller Motte Technical College.

Approval of Monitors and Substitute Instructors – SCACS

On August 15, 2006 the Board received a letter from Gloria Smith of SCACS seeking the Board's approval on the following individuals as additional monitors and substitute instructors to be added to the approved list for the remainder of 2006.

Dorothy Dorsey	Dwyla Sturkey
Matilda Martinez	Charlise Williams

MOTION

Mrs. Hampton-Furtick moved the Board approve Dorothy Dorsey, Matilda Martinez, Dwyla Sturkey and Charlise Williams as additional monitors and substitute instructors for SCACS. Mrs. Gilmer seconded the motion, which carried unanimously.

Approval of Final School Inspection

a. Anderson Districts I & II

Mrs. Kinley and two staff inspectors conducted a final inspection on the Anderson Districts I & II on July 14, 2006.

MOTION

Mrs. Webb moved the Board approve the final inspection of Anderson Districts I & II. Mrs. Gilmer seconded the motion, which carried unanimously.

b. Institute of Cosmetic Arts, Spartanburg

Mrs. Kinley, Mr. Barr and Mr. Sanders, staff inspectors, conducted a final inspection of the institute of Cosmetic Arts on August 8, 2006.

MOTION

Mrs. Gilmer made a motion, seconded by Mrs. Settles and unanimously carried; the Board approve the final inspection of the Institute of Cosmetic Arts, Spartanburg.

c. Jolei's Hair Institute, LLC

On September 6, 2006 Mrs. Gilmer, Mr. Sanders and Mr. Barr conducted a final inspection of Jolei's Hair Institute.

MOTION

Mrs. Gilmer moved the Board approve the final inspection of Jolei's Hair institute, LLC. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Approval of Professional Association

a. South Carolina Cosmetology Teacher's Association – Robert Pearson

On August 14, 2006 the Board received a letter, with a list of names of charter members, seeking the Board's approval for a new cosmetology association. The association would be known as the South Carolina Teachers' Association (SCTA).

MOTION

Mrs. Hampton-Furtick moved the Board approve the new association. Mrs. Gilmer seconded the motion, which carried unanimously.

Introduction of the Academy of Hair Technology World Championship Contest Candidates

The Board had received a fax cover sheet from Bob MacElhiney of the Academy of Hair Technology stating three of their students and graduates had been selected to represent the USA in this year's World Championship Contests held in Russia in July 2006.

Mr. MacElhiney and the students did not appear.

Mrs. Dickert stated she failed to send Mr. MacElhiney a letter notifying him of the meeting.

Implementation of Policy for Charging When Multiple Inspections Must be Performed

Ms. Kinley stated she asked staff for this item to be placed on the agenda. She noted it took three visits for a final inspection to be conducted on the Institute of Cosmetic Arts. She noted Ms. Webb attempted to conduct an inspection on July 13, 2006. She asked the Board to entertain a policy to assess a fee when multiple inspections must be performed when a school is not ready for the final inspection.

Ms. Dantzler stated there are several comparable programs that have an application fee that covers one inspection. She further stated she could adapt language from other boards where the program charges for inspections conducted following the initial inspection.

Mr. Lochridge suggested the Board impose time prior to the subsequent inspection. Ms. Dantzler stated this action could result in legal disputes for the Board.

Online Renewal Process

Mr. Bryant briefed the Board on the online renewal process, which included the age and experience exemption on CEUs. He presented the members with a document summarizing the online renewal process. He stated that a random audit would be conducted of those individuals claiming the exemption and those individuals claiming they are in compliance with the 12 hours of continuing education. He went on to say those individuals who are not in compliance would face disciplinary action. It was noted the language does not distinguish between in-state or out-of-state consecutive licensure.

He continued by saying invitations to attend today's meeting were mailed to the associations. Representatives were present for Hair, Skin and Nails of America, ACTIVE, SCSCA, SC Esthetics Association, Palmetto Professionals of Cosmetology, and USC. There was not a representative present for SCACS (Ken Shuler) during this meeting.

Discussion ensued regarding the types of violations in the licensure process. Mrs. Dantzler suggested the Board not consider applicants with misdemeanors more than three years old unless the misdemeanor involved physical violence or sexual activity. She suggested the Board consider the kinds of violations the Board does not think would affect the decision to license individuals.

Approval of Draft Regulations – Randy Bryant

Mr. Bryant stated he understands the Board is interested in amending the regulations. He presented the members with a 2005 draft of regulations and briefed the Board on the regulation process. He suggested the Board schedule four meetings with the industry leaders prior to their November 2006 meeting in hopes that a final draft could be approved during that meeting. The Board determined it would hold the first meeting at 11:00 a.m., Monday, September 25, 2006.

Board Member Reports

Delores Gilmer

Ms. Gilmer attended the NIC conference August 25-28, 2006. She conducted a final inspection on the Jolie Hair Institute, LLC on September 6, 2006.

Reciprocity Report

July 2006

In July 2006 the Board licensed 44 cosmetologists, one nail technician, and ten estheticians by reciprocity.

August 2006

In August 2006 the Board licensed 40 cosmetologists, seven estheticians and three nail technicians by reciprocity.

Kathy Webb

Mrs. Webb stated she attempted to conduct a final inspection on the Institute of Cosmetic Arts in Spartanburg on July 13, 2006. She further stated the school will be awesome. She attended the NIC conference August 25-28, 2006.

Michelle Hampton-Furtick

Ms. Hampton-Furtick congratulated Ms. Kinley on being elected president of NIC. She had no report.

Ruth Settles

Ms. Settles monitored a continuing education class for SCSCA in Spartanburg on September 10, 2006.

Kristy McMillan

Ms. McMillan stated she conducted a final inspection of the Dorchester Career Center on August 17, 2006. She monitored the practical examination in Columbia on August 21, 2006. She attended the NIC conference in Portland, Maine August 25-28, 2006.

Public Comments

Mr. Lochridge asked if staff would develop guidelines on applicants with criminal backgrounds. Ms. Dantzler stated she would make a recommendation that the Board set guidelines that staff could accept. However, if the conviction is outside the set parameters, the applicant must appear before the Board. He congratulated Ms. Kinley on being elected president of NIC. He also complimented Mr. Jones on his voice.

Ms. Phillips stated she had submitted a request during the last meeting regarding her esthetics instructor's license. She asked the Board what she could do to obtain her esthetics instructor's license. Ms. Dantzler stated there is not much she can do other than complete an instructor's application and follow the process.

Ms. Phillips stated during the previous meeting the Board had discussed allowing an esthetician to teach in an emergency situation. She further stated it was explained to her by a school owner some time ago that as long as those days that a particular individual taught was not consecutive that those days did not count. Ms. Kinley stated there is still a thirty-day substitution policy. She noted if the individual is teaching one day a week, the individual could teach for thirty weeks.

Executive Session

MOTION

Ms. Gilmer moved the Board enter executive session. Ms. Webb seconded the motion, which carried unanimously.

Return to Public Session

Ms. Kinley noted no motions were offered and no votes were taken during executive session.

Johntell White

MOTION

Ms. Hampton-Furtick moved the Board allow Ms. White to sit for the exam and upon successful completion of the examinations that she be granted licensure; however, that she be placed on a two-year probation and that she provide the Board with a SLED check, at her own expense, every six months. Ms. Gilmer seconded the motion, which carried unanimously.

Michelle Craven

MOTION

Ms. Gilmer moved the Board approve Ms. Craven to sit for the examinations for licensure. Ms. Webb seconded the motion, which carried unanimously.

Stephen Burnette

Ms. Kinley stated the Board has tabled its decision in this matter and has informed Mr. Burnette that he, along with his parole officer, should appear at the next Board meeting.

Chesley Phillips

Ms. Kinley stated the Board is recommending that Ms. Phillips be granted an esthetics instructor's license upon completion of the 60 hours of education hours and payment of the appropriate license fee.

Adjournment

The September 11, 2006 meeting of the SC Board of Cosmetology adjourned at 2:00 p.m.